

**Central Valley Water Board Irrigated Lands Regulatory Program  
Draft Programmatic Environmental Impact Report (PEIR)  
Meeting Summary, Rancho Cordova Public Workshop**

***September 10, 2010, 9:30 a.m. – 12:30 p.m.***

***Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Rancho Cordova, CA 95670***

**Attendees: 35**

Abood, Maya	Pesticide Watch
Bukwatt, Henry	WPHA
Cornelius, James	Sutter County Resource Conservation District
Curry, John	Dixon RCD
Cutler, Brent	UC Davis
Clary, Jennifer	CWA
Delihant, Gail	WGA
Dunham, Tess	Somach Simmons & Dunn
Fields, Sue	UC Davis
Firoved, Roberta	CRC
Fisher, Kari	California Farm Bureau Federation
Fregien, Susan	Central Valley Water Board
Guzman, Martha	CRLAF
Hinrichs, Dan	El Dorado Subwatershed
Hoekstra, Bud	Berry Blest Farm
Houdesheldt, Bruce	Sacramento Valley Water Quality Coalition
Hyder, Sue	General Public
Johas, Andy	Farmer
Johnson, Tim	CRC
Karkoski, Joe*	Central Valley Water Board
Landon, Rick	Yolo Agriculture
Laputz, Adam*	Central Valley Water Board
Longley, Karl	Central Valley Water Board Member
Love, Christal*	Center for Collaborative Policy
Magill, Sam*	Center for Collaborative Policy
Matteson, Patricia	California Department of Pesticide Regulation
Orth, Dave	SSJWQC
Paulo, Srbaja	
Perry, Jim	Farmer
Pontureri, Jodi	SWRCB
Roberson, Mark*	Economic Analysis Consultant
Ross, Lisa	DPR
Rushton, Mike*	ICF International
Sander, Wes	Capitol Press
Smith, Megan*	ICF International
Spano, Joe and Madeleina	Spano Vineyard
Suverkropp, Claus	Larry Walker Associates
VanRuiten, Anthony	Best Best Krieger
Wackman, Mike	San Joaquin County, DWQC

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Westcot, Dennis	SJRG
Zentner, John	El Dorado Subwatershed
Zentner, Valerie	El Dorado County Farm Bureau

\* Workshop team

This summary only includes the presentation and comments made during the PEIR workshop. An agenda and summary of the long-term program were also provided to workshop participants and can be found here:

[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/irrigated\\_lands/long\\_term\\_program\\_development/index.shtml#ilrppeir](http://www.swrcb.ca.gov/rwqcb5/water_issues/irrigated_lands/long_term_program_development/index.shtml#ilrppeir)

Written comments and responses will be available for public review in the Final PEIR, scheduled to be released early 2011.

### Welcome and Opening Remarks

Joe Karkoski, Central Valley Regional Water Quality Control Board (Board) Staff welcomed the workshop participants, stated the workshop purpose and asked the Board Members, Board Staff and consultants present to introduce themselves. Sam Magill, Center for Collaborative Policy Facilitator, reviewed the meeting room logistics, agenda and workshop materials. Ms. Smith clarified the PEIR public comment process requirements.

### Overview of Proposed Modifications to the Irrigated Lands Regulatory Program (ILRP) and Draft PEIR

Mr. Karkoski stated the mission of the Board and outlined the following goals of the workshop:

- Review project background of the Irrigated Lands Regulatory Program.
- Provide an overview of the Draft PEIR.
- Hear questions and comments from workshop participants.

Mr. Karkoski explained that the Board has the responsibility to implement the water quality laws, specifically the federal Clean Water Act and the State Porter-Cologne Water Quality Act. In addition to regulating irrigated lands, the Board also regulates storm water from cities, construction sites, industry, dairies, treated wastewater and contaminated sites. Mr. Karkoski added that unlike other programs, the discharger to staff ratio for the irrigated lands program is relatively high: approximately 1,500 dischargers to every 1 Board Staff member.

Mr. Karkoski provided the following overview of the ILRP background:

- 2003 the Board adopted a conditional waiver for discharges from irrigated agricultural lands. The waiver was considered an interim program set to expire in 2006.
- 2006 the Board adopted a new conditional waiver that extended the interim program until 2011. An EIR on the ILRP was required.
- There are 8 coalition groups working directly with the growers under the current program:
  - Goose Lake
  - Sacramento Valley

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- California Rice Commission
- San Joaquin County and Delta
- East San Joaquin
- Westside San Joaquin River
- Westlands Water District
- Southern San Joaquin Valley

Mr. Karkoski showed a map of the number and location of water quality management plans currently required based on monitoring results. He explained that a management plan is required when there have been two or more surface water pollutant exceedances at a particular site within a three year time period.

Adam Laputz, Board Staff, provided a summary of the ILRP development and the accomplishments of the Stakeholder Advisory Workgroup.

- Staff was directed to prepare an EIR for the long-term irrigated lands program as part of the 2003 waiver program.
- A draft Existing Conditions Report (ECR) was developed using water quality data collected by the Board. The ECR was circulated for public review in 2006 and finalized in 2008.
- Board Staff conducted a series of California Environmental Quality Act (CEQA) public scoping meetings during March and April of 2008. Many stakeholders expressed a desire to be actively involved in the ILRP development.
- The first long-term program stakeholder advisory workgroup meeting was held on October 9, 2008.

Mr. Laputz then reviewed the ILRP goals and objectives that were developed by the stakeholder advisory workshop and board staff.

### **Goals**

- Restore and/or maintain the highest reasonable quality of state waters, considering all the demands being placed on the water.
- Minimize waste discharge from irrigated agricultural lands that could degrade the quality of state waters.
- Maintain the economic viability of agriculture in California's Central Valley.
- Ensure that irrigated agricultural dischargers do not impair Central Valley communities and residents access to safe and reliable drinking water.

### **Summarized Objectives**

- Restore and/or maintain beneficial uses by ensuring that all State waters meet applicable water quality objectives.
- Encourage implementation of management practices that improve water quality.
- Provide incentives for agricultural operations to minimize waste discharges to State waters.
- Promote coordination with other regulatory and non-regulatory programs to minimize duplicative regulatory oversight while ensuring program effectiveness.

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Mr. Laputz summarized the five programmatic alternatives that are evaluated in the Draft PEIR and the Draft Economics Report. Mr. Laputz explained that in response to the request of the Stakeholder Advisory Workgroup, Board Staff evaluated all five alternatives at an equal level of detail. He added that the Stakeholder Advisory Workgroup did not vote for a single alternative, but rather, felt that the five alternatives represented the best range of options that should be evaluated in the PEIR.

Board Staff created a recommended alternative using a combination of elements from the five programmatic alternatives. The recommended alternative includes the following components:

- Including groundwater in addition to surface water discharges within the program scope.
- Third-party or coalition group lead entity, rather than the Board.
- 8-12 geographic and/or commodity-based orders.
- A specified timeframe for implementation.
- Prioritized requirements.
- Regional surface and groundwater quality management plans as opposed to individual water quality management plans.
- Regional surface and groundwater quality monitoring rather than individual or no water quality monitoring.

Ms. Smith presented a synopsis of the PEIR process, the types of management practices that were analyzed, and the potential impacts of the ILRP. She explained that the analyzed management practices are a sample of those most likely to cause an environmental and economic impact. While all CEQA-recognized environmental resources were analyzed in the PEIR, potentially significant impacts could result to each of these resources: cultural resources, noise, air quality, climate change, vegetation and wildlife, fisheries, hydrology and water quality and agricultural resources. Ms. Smith then described the mitigation measure process and provided an example.

Mr. Karkoski presented an overview of the cost analysis; stating that the Board decided to go beyond the level of cost analysis required by the Porter-Cologne Water Quality Act. The expansion of the cost analysis was necessary in order to evaluate whether alternatives were consistent with the program goal to “maintain the economic viability of agriculture in California’s Central Valley.” The cost analysis focused on the compliance costs, net income effects on growers and landowners, potential impacts on regional farm economies, and effects on government entities associated with the program.

Mr. Karkoski closed the presentation by reviewing the following next steps:

- Comments on the draft PEIR are due by September 27<sup>th</sup>, 2010.
- Final ILRP and PEIR early 2011.
- Board consideration of final ILRP and PEIR no later than March 31, 2011.
- Orders to implement long-term ILRP developed during year following Board certification of the PEIR.

## **Open House to Discuss Staff Report, Cost Estimates, and Draft PEIR for the ILRP and Report Back**

### **Small group discussion comments on the cost estimates for the ILRP**

- Participant observed that pesticide management practices were not included in table 2-1.
- Participant pointed out that the acreage estimates in table 2-3 do not reflect current acreages. The discrepancy could impact the fee estimates.
- Participant noted that there are more enrolled growers than the estimate numbers in table 2-4.
- Participant asked if the cost of practices were included in the economic analysis.
- Participant stated that certain practices, such as contained flood acreage, may not be applicable in all areas.
- Participant suggested that the cost impacts to individual growers may be inaccurate.
- Participant stated that the risk of nutrient management may cause significant yield loss if it is underestimated.
- Participant observed that the Best Management Practice costs are likely overstated in alternative 4.
- Participant stated that the cost of finding water in developing monitoring wells needs to be included in the cost analysis.
- Participant noted that there could be additional problems found under future monitoring, which could lead to additional costs.
- Participant suggested that the cost of management practices may be significantly less than reported, which would affect the alternative 1 evaluation.
- Participant stated that increase costs may cause the loss of acreage that could in turn impact many other industries (i.e. wine, trucking etc).
- Participant noted that the fee examples used for alternatives 2 through 5 may be too low. Adding that the 15 cent estimate in table 2-11 is actually 12 cents.
- Participant stated that the costs of monitoring events 1x, 2x, and 5x do not reflect current program monitoring and could result in underestimated costs.
- Participant suggested the Board consider the spatial variability of costs. There could be a disproportionate impact to smaller growers.

### **Small group discussion comments on the Draft PEIR**

- Participant mentioned that wellhead protection is not always an effective measure for protecting groundwater quality.
- Participant asked that we indicate in the PEIR how the document will be used for CEQA compliance on subsequent decisions to establish specific general orders for the ILRP.
- Participant suggested we look at dry wells and how they may affect groundwater quality (conduit for pollutants and source of recharge); this should be addressed in the PEIR.
- Participant indicated that our use of pesticide use lists from an advocacy group was inappropriate. The individual suggested that we consult with Department of Pesticide Regulation and stated that the pesticides listed for use on rice was inaccurate.
- Participant asked whether we considered the indirect loss of wildlife habitat that may occur as a result of agricultural land going out of production. The individual wanted to

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know whether this represented a significant and unavoidable effect of implementing the long-term ILRP.

- Participant indicated that we had neglected to discuss the effect of reduced agricultural return flows (from runoff control systems) on downstream users and water supply. This loss of downstream water supply may cause farmers to increase use of groundwater, with an adverse effect on this resource.
- Participants asked why the staff recommended alternative, contained in the staff report, was not made one of the alternatives analyzed in the Draft PEIR. They indicated that the staff report provided a lesser degree of analysis when compared to that contained in the body of the PEIR.
- Participant indicated that the Draft PEIR does not address the implications of implementing the long-term ILRP on the Central Valley Water Board's salt program.
- Participant felt that the No Project alternative was not properly defined. A continuation of the current program should not represent "no action;" at some point in the near future, the current program will come to an end and there will be change. The Draft PEIR should have considered this change in the current program as part of No Project analysis.
- Participant indicated that some of the management practices are already implemented by the organic farming community. Use of cover crops was mentioned.
- Participant asked what crops were assumed to go out of production as a result of the long-term ILRP.
- Participant requested that the Board develop some sort of template on what would be required in groundwater protection best management practices.
- Participant asked how the farmer could monitor groundwater quality when groundwater is defined as the first water encountered below the surface. Most wells draw from lower level aquifers. The individual indicated that the Board's dairy program specifies monitoring of first encountered groundwater.
- Participant indicated that implementing water use efficiency practices would not work on some crops. In some cases, extra water is applied to flush salt from the root zone or to recharge the groundwater. Water efficiency could result in a negative effect on groundwater supply.

### **Small group discussion comments on the Staff Report Recommendations**

- Participant expressed concern that the economic impact to small growers could be significant.
- Participant asked what steps would be required to prove program compliance.
- Participant suggested a program goal could be compliance with the objectives.
- Participant stated that how the program deals with groundwater will determine the success or failure of the IRLP.
- Participant requested that the Board clarify the balance between having a flexible program and a prescribed program.
- Participants requested more clarification regarding the distinction between tier 1 and tier 2.
- Participant suggested requiring source identification rather than a management plan when two exceedances occur at a particular site within a three year time period.
- Participant asked how the Board is going to decide what pollutants to monitor.

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- Participant stated that the PEIR needs to focus on current salt measuring practices.
- Participant asked what the Board plans to do with first encountered groundwater quality data.
- Participant asked what groundwater monitoring would look like in the foothill region.
- Participant requested an explanation as to why there is not an option that does not include monitoring.
- Participant asked how the Board plans to identify a representative groundwater well to monitor.
- Participant requested a definition of “reasonable monitoring program.”
- Participant stressed the importance of capturing areas that will be in exceedance of groundwater quality objectives in 5-10 years.
- Participant asked if the Board plans to input the monitoring data into the Center for Integrated Data Analytics (CIDA) or some other electronic database.

## Meeting Recap and Next Steps

Mr. Karkoski thanked the workshop participants, requested that comments be submitted in writing, and invited anybody with questions regarding the ILRP to contact Mr. Laputz:

**Email:** [awlaputz@waterboards.ca.gov](mailto:awlaputz@waterboards.ca.gov)

**Phone:** (916) 464-4848

## Adjourn